



Policy on Internal Investigations into Alleged or Suspected Employee Misconduct

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Policy

1. Allegations or suspicions of employee misconduct that includes negligence and carelessness must be promptly reported to the Manager, Internal Affairs and thoroughly investigated.

Policy Objective

2. The objective of this policy is to ensure that allegations or suspicions of employee misconduct with respect to violations of legislation or other laws, rules and regulations administered by the Canada Border Services Agency (CBSA) are promptly reported and investigated by objective and qualified persons.

Definitions

3. Misconduct includes any action or inaction by an employee that is contrary to established policy, standards, procedures or practices of the CBSA; violations of legislation for which criminal sanctions are applicable; or violations of other laws, rules and regulations administered by the CBSA or any other act which would bring the CBSA into disrepute or effect the Agency's working relationship with other law enforcement partners.
4. Manager means any person who acts in a supervisory role or managerial capacity.

Application

5. This policy is applicable to the management of the CBSA, employees (permanent, term, casual, part-time), contract and private agency personnel and to individuals seconded or assigned to the CBSA, including students.

Policy Requirements

6. Employees are to promptly report to their manager or to Regional Security Officer, or when this is not feasible, to the Corporate Security and Internal Affairs Division (CSIAD), any allegation, suspicion or information concerning employee misconduct.
7. When there is an allegation or suspicion indicating employee misconduct involving violations of criminal legislation or other laws, rules and regulations administered by the CBSA, the Director or the delegated manager must report it immediately to the Manager, Internal Affairs and to the appropriate Vice President. A determination will be made between the local Director and the Manager, Internal Affairs, CSIAD as to who will conduct the investigation.
8. Treasury Board policy stipulates that all suspected cases of loss or theft of money, fraud, or any other offense or illegal act against the Crown by an employee must be fully investigated and reported to the police agency having jurisdiction. Criminal proceedings are generally the exclusive responsibility of law enforcement authorities.

Responsibilities

Internal Affairs Section, Corporate Security and Internal Affairs Division

9. Internal Affairs, CSIAD, subject to legal and jurisdictional constraints, is responsible for:
 - Conducting, or causing to be conducted, investigations into alleged or suspected employee misconduct involving:
 - (i.) Theft or loss of revenue, assets, money, seized or abandoned goods;
 - (ii.) Unauthorized access to and/or disclosure of client or other sensitive information;
 - (iii.) Violations by employees of legislation, or other Federal Statutes (e.g. Customs Act or Immigration Refugee Protection Act or Criminal Code);
 - (iv.) Fraudulent transactions on a CBSA system resulting in a reimbursement of reduction of amount owed to which the person or company is not entitled;
 - (v.) Fraudulent claims for travel expenses, overtime, leave, relocation, etc.;
 - (vi.) Destruction, mutilation, alteration, falsification or concealment of documents, records, certificates, controlled assets or directing, proposing, counseling or causing any persons to take such actions; and
 - (vii.) Breaches of the CBSA and Public Service Commission Code of Ethics and Conduct, or other administrative policies.
 - (viii.) Other items of serious concern to the CBSA.
 - Informing the Vice Presidents of investigations being conducted in their area of responsibility, and reporting the results of the investigation to them and to any other appropriate authorities as required;
 - Ensuring that investigations are objective, thorough and conducted by qualified persons, with due respect for the rights and understanding of the obligations of the individuals involved;
 - Ensuring that all cases involving the theft of revenue, money, assets, seized or abandoned goods, fraud, destruction, mutilation, falsification or concealment of records or directing, proposing, counseling or

causing any persons to such actions, or any other offenses or illegal acts against the Crown which have been committed by an employee are reported to the police agency having jurisdiction;

- Reporting to management any shortcomings in policies and procedures noted during an investigation, which may have system or organization-wide implications, to allow for corrective measures to be taken to prevent further recurrence of losses and offenses.

Employees

10. Employees are expected to obey all legislation and other laws and regulations administered by the CBSA, thereby maintaining their integrity and that of the CBSA.

11. Employees are obliged to provide the necessary cooperation and assistance in the conduct of an investigation. This includes affording complete access to CBSA information systems, documents and records, to the extent that such access is legally permitted.

Directors or Delegated Managers

12. Directors or their delegated managers are to report allegations or suspicions of misconduct on the part of employees, in a timely manner, to the Manager, Internal Affairs, CSIAD and to the appropriate Vice President.

13. When it is agreed that local management will conduct the investigation, Directors or their delegated managers are to inform the local Staff Relations consultant and provide a copy of the investigation report, to Internal Affairs, CSIAD and the appropriate Vice President, in a timely manner.

Reporting Procedures

14. Allegations of employee misconduct may be reported either by telephone or secure facsimile transmission to the Manager, Internal Affairs, and CSIAD, at (613) 948-9347 or by facsimile at (613) 941-6105.

15. These reporting procedures are designed to ensure an effective reporting process and do not detract from the requirement for Vice Presidents to prepare reports, issue sheets, etc. and to advise the President of the CBSA when required.

Accountability Process

16. The CSIAD will monitor compliance with this policy.

References

The following references are applicable to this policy

- *Financial Administration Act;*
- Public Service Code of Conduct;

- CBSA Conflict of Interest Guidelines;
- Policy on Losses of Money and Offenses and Other Illegal Acts Against the Crown (Treasury Board Manual, Comptrollership Volume, Chapter 4.7);
- CBSA Security Manual, Chapter 15 - Reporting of Security Incidents;
- *Access to Information Act and Privacy Act*;
- *Criminal Code of Canada*;
- *Immigration Refugee Protection Act*
- *Customs Act*
- *Canadian Charter of Rights and Freedoms*;
- Manager's Guide to Conducting Internal Investigations

Enquiries

For more information, please contact:

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